

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE

DATE: JULY 9, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS CONOVER
TAYLOR
SOKOL
MONROE
KENNY
MERLINO
FRASIER
DICKINSON

OTHERS PRESENT:

MIKE SWAN, TREASURER
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER

SUPERVISORS BROCK

SEEBER

SIMPSON

VANSELOW

COMMITTEE MEMBER ABSENT:

SUPERVISOR WOOD

BRIAN LAFLURE, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES

JULIE PACYNA, PURCHASING AGENT

GRETCHEN STEFFAN, COUNTY HUMAN RESOURCES DIRECTOR

BUD YORK, SHERIFF

DON LEHMAN, *THE POST STAR*

AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Conover called the meeting of the Finance Committee to order at 9:26 a.m.

Motion was made by Mr. Monroe, seconded by Mr. Kenny and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Commencing the Agenda review with Section III, Action Items, Mr. Conover advised Item 1 consisted of a request for transfers of funds as attached for Committee approval.

Motion was made by Mrs. Frasier, seconded by Mr. Monroe and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

Mr. Conover announced Agenda Item 2 consisted of a request from the Treasurer's Office to fill the vacant position of Payroll Technician, *Grade 10, Annual Base Salary \$33,166*, due to resignation.

When asked to comment on the necessity for the Payroll Technician position, Mike Swan, Treasurer, advised that with this resignation his payroll staff had been reduced from two to one. He noted that in a prior meeting, the Committee had approved the reclassification of this position from a Payroll Clerk in accordance with the duties being performed so that upon the resignation of the current employee a person with the appropriate skill set could be hired. Mr. Swan noted that there would be a savings to the County of about \$6,000 in filling this position due to a decrease in longevity pay.

Mr. Kenny questioned why this position had not been listed on the Personnel Agenda and Paul Dusek, County Administrator, responded that as the Supervisory Committee for the Treasurer's Office, the request had to be presented to and approved by the Finance Committee before the action was reported to the Personnel Committee. Mr. Dusek added that if approved, the filling of this position would be reported on the August Personnel Committee Agenda.

Mr. Conover questioned whether there was an active list of Civil Service tested individuals from which

to hire for this position and Gretchen Steffan, County Human Resources Director, responded in the negative, advising that because this was a newly created position, the testing had not yet been offered. Mr. Swan interjected that the person hired to fill the Personnel Technician position would be provisional pending appropriate placement in Civil Service testing. Ms. Steffan advised that the driving need to reclassify the Payroll Clerk position had been the fact that the job description was about 15 years old and did not account for the automated payroll work being done. She added that the position description was updated to include all of the duties being performed and a commensurate increase from Grade 7 to Grade 10 was incorporated.

Mr. Sokol questioned why the Notice of Intent to Fill Vacant Position form included in the Agenda packet failed to indicate the budgetary impact, which Mr. Swan had stated would be a savings to the County; he added that it would be helpful if this information was provided in the future. Mr. Conover acknowledged this was a good point as the form currently indicated the impact to the budget as being "none", which was clearly not the case. Mr. Dusek commented that the problem in trying to identify the savings was that they were not sure whether they would be filling the position with a new employee from outside the County, in which case there would be a clear savings in longevity pay, or filling it with an existing County employee who may have earned a level of longevity pay that could eliminate any savings.

Mr. Taylor pointed out that in implementing new procedures, such as the streamlined process for filling vacant positions, it was important to follow all of the necessary steps. In this case, he noted that the section to be initialed by the Human Resources Director, had not been completed. Ms. Steffan indicated that she had been involved with the reclassification process and must have inadvertently forgotten to initial the form. She advised she was completely aware of the situation and supported the filling of the Payroll Technician position.

Motion was made by Mr. Dickinson, seconded by Mr. Sokol and carried unanimously to amend the Notice of Intent to Fill Vacant Position Form to indicate there would be a savings of approximately \$6,000, *due to a lack of longevity pay*, as well as to indicate that Ms. Steffan had reviewed and approved the request.

Ms. Seeber questioned whether the salaries for vacant positions were tracked and reported upon to determine whether a savings was actually attained, or if an additional expense was incurred in cases where an existing employee was hired and their accrued longevity pay had to be included. Mr. Dusek advised this was not traditionally a factor that was reported upon; however, he noted, in the event that this situation was to occur and the Department Head did not have sufficient funding available within their existing budget, they would have to request additional funding to cover the salary, which would raise the issue for discussion. Ms. Seeber commented that although the potential for a \$6,000 savings, as reported by Mr. Swan, looked great, there was no way to tell what the true savings, or possibly the additional expense, to the County would be. As a means to clarify these matters, Chairman Geraghty suggested that in the future, both the annual base salary and the current budgeted salary be listed to show the difference in longevity pay, as well as the salary at which the position would be filled in order to show the actual savings, or cost, to the County.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to approve the request to fill the vacant Payroll Technician position, as outlined above.

Moving on to Agenda Item 3, referral from the Criminal Justice Committee, *Assigned Counsel*, Mr. Conover presented a request to amend the County Budget in the amount of \$29,690 to reflect the receipt of grant funds from the New York State Office of Indigent Legal Services (NYS OILS).

Motion was made by Mr. Dickinson, seconded by Mr. Taylor and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

Mr. Conover advised Agenda Items 4A-B consisted of referrals from the Human Services Committee, *Office for the Aging*, as follows:

- 4A) Request to amend the County Budget in the amount of \$159,136 to reflect the receipt of BIP (*Balancing Incentive Program*) grant funds.
- 4B) Request to amend the County Budget in the amount of \$68,984 to reflect the receipt of an additional allocation from NY Connects under the BIP grant.

Motion was made by Mr. Kenny, seconded by Mr. Monroe and carried unanimously to approve Items 4A-B, as outlined above, and the necessary resolutions were authorized for the July 18th Board Meeting.

Agenda Item 5, Mr. Conover explained, included a referral from the Occupancy Tax Coordination Committee requesting to amend the County Budget to appropriate funds in the amount of \$41,846 from Budget Code A.881.00, *Reserve, Occupancy Tax*, to Budget Code A.6417 469, *Tourism Occupancy, Other Payments/Contributions*, to provide the remaining funding necessary to make payment of the initial distribution of 2014 Occupancy Tax collections to other municipalities.

Motion was made by Mr. Monroe, seconded by Mr. Kenny and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

Mr. Conover said Agenda Item 6 included a referral from the Personnel Committee, *Human Resources*, requesting the Finance Committee to determine a source of funding for costs associated with the County Human Resources Director's attendance at the NYSPERLA 40th Annual Training Conference to be held on July 16th - 18th in Saratoga Springs, NY (\$350). He noted that the request was contingent upon Personnel Committee approval of same.

When asked where the funding should be provided from for this training, Mr. Dusek said the suggested source of funding would be the contingent fund.

Mr. Monroe inquired as to whether funding had been provided in the Human Resources budget for training costs and Ms. Steffan replied in the negative, advising that she intended to request that funding be allocated for this purpose in the 2015 Budget.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to identify the contingent fund as the source of funding for the aforementioned travel costs and the appropriate transfer of funds was authorized for the July 18th Board Meeting.

Proceeding to Agenda Item 7, Mr. Conover presented a referral from the Public Works Committee, *DPW*, requesting to increase Capital Project No. H277.9550 280, *CR51/CR6 Beach Road Reconstruction*, in the amount of \$110,426 to add Federal and State funding received for reconstruction of the NYSDEC-owned portion of Beach Road.

In response to Mr. Monroe's request for clarification on this request, Mr. Merlino advised these were pass-through funds for paving and construction on the NYSDEC-owned portion of Beach Road. Joan Sady, Clerk of the Board, added that the \$110,426 being added to Capital Project No. H277.9550 280 was comprised of State and Federal funding, with no County Share.

Martin Auffredou, County Attorney, suggested they could request that Jeffery Tennyson, Superintendent of Public Works, email a written explanation for the request to the Committee members prior to the upcoming Board Meeting; Mr. Sokol commented he did not feel that was necessary.

Mr. Dusek clarified this request was tied to action approved many months ago where the County and the State had made an agreement to include the NYSDEC (*New York State Department of Environmental*

Conservation)-owned portion of Beach Road in the County's Beach Road Reconstruction Project with the provision that State funding would be provided for all construction costs associated with that portion of the road. He continued that at the time the agreement was approved, the County had seen this as a win-win situation as NYSDEC was not in a position to complete the work as quickly as the County could through their existing contracts for the Beach Road Reconstruction Project. Mr. Dusek noted that this was the final step to wrap up the agreement. Mr. Conover questioned if the capital project should have been increased when the Board of Supervisors approved the agreement with NYSDEC for this work and Mr. Dusek replied in the negative, advising that they could not have previously increased the capital project because the actual construction costs were unknown at that time.

Motion was made by Dickinson, seconded by Monroe and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

Mr. Conover announced Agenda Item 8 included a referral from the Real Property Tax Services Committee, requesting to amend the County Budget to appropriate funds in the amount of \$1,600 from Budget Code A 893.00, *Reserve, Environmental Testing Fund*, to Budget Code A.1355 470, *Real Property Tax Service Agency, Contract*, to fund Phase II testing performed by Clark Patterson Lee for several different parcels.

Mr. Dusek explained that a few years ago the Board of Supervisors had approved the establishment of a fund using monies from the proceeds of the foreclosure auction to provide testing services for properties that were suspected to have contamination issues. He further explained there were four parcels the County would be foreclosing on with suspected contamination and the aforementioned request would be to proceed with Phase II assessment testing on each. Mr. Dusek said that Mr. Monroe had been exploring the possibility of obtaining grant funding through the Adirondack Gateway Council and would continue that research while the Phase II assessment was performed.

Mr. Swan commented that the \$1,600 requested would be used to complete a plan for testing on all four parcels, following which they would seek to use grant funding to address testing and contamination mitigation work in order of priority. He concluded that he believed contamination issues would be identified on all four parcels.

Following a brief discussion, motion was made by Mr. Dickinson, seconded by Mr. Monroe and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

Privilege of the floor was extended to Julie Pacyna, Purchasing Agent, to address the Committee regarding P-card implementation, review and modification.

Ms. Pacyna apprised that Resolution No. 106 of 2014 had authorized establishment of a trial P-Card program to be used with select vendors for municipal purchases and authorized an agreement with the Bank of Montreal and PFM Financial Services, LLC to establish a corporate Mastercard account for the County's P-Card program. She noted Resolution No. 106 of 2014 had cited the County's health and dental insurance vendors, as well as their utility vendors, would be used in the trial program; however, she stated, they had since discovered that not all of these vendors accepted payment via a government P-Card. Therefore, Ms. Pacyna stated, she was requesting to amend Resolution No. 106 of 2014 to include up to five new vendors to be approved at the discretion of the County Administrator, including, but not limited to, Cargill, Inc. with whom they expected to expend \$447,339.31 for road salt purchases for 2014. In addition, she advised she would like to further amend Resolution No. 106 of 2014 to alter the term of the agreement so that it would commence on September 1, 2014 and terminate August 31, 2015 to provide a full year of reporting data, as well as to identify the Bank of Montreal as the sole provider for the County's corporate Mastercard account.

Chairman Geraghty questioned what a P-Card was and Ms. Pacyna explained it was government Mastercard that offered rebates for purchases. She advised that not every vendor accepted the government form of the Mastercard and those that did, had built the appropriate surcharges for use of the card into the prices charged.

Mr. Kenny questioned whether there was a bank within the United States that could be used for the P-Card, rather than the Bank of Montreal and Ms. Pacyna responded that they were “piggybacking” on a bid released by Orange County, NY and the Bank of Montreal had been used because they offered the highest rebate rates. Mr. Monroe asked if it had been confirmed the County was obtaining the best value in using the P-Card due to the surcharges incurred by use and Ms. Pacyna replied affirmatively, noting that the rates charged by Cargill Inc. were provided by State contract and included the surcharge.

Mr. Conover pointed out that the amendments to Resolution No. 106 of 2014 requested by Ms. Pacyna were described in the agenda packet and he asked each Committee member to take a moment to review them.

Motion was made by Mr. Dickinson, seconded by Mr. Monroe and carried unanimously to amend Resolution No. 106 of 2014 to: change the term of the program to commence September 1, 2014 and terminate August 31, 2015; to include up to five new vendors to be approved at the discretion of the County Administrator; and to name the Bank of Montreal as the sole provider for the County’s P-Card Mastercard account, and the necessary resolution was authorized for the July 18th Board Meeting.

Resuming the Agenda review, Mr. Conover announced that Items 10A-B consisted of items to be discussed by the County Attorney; privilege of the floor was extended to Martin Auffredou, County Attorney, who presented the following requests:

- 10A) Request to ratify the actions of the Chairman of the Board in signing an agreement with NEC Corporation of America for maintenance support services agreement for the Sheriff’s Office.

Mr. Auffredou explained NEC provided constant remote monitoring services for the phone system used by the Sheriff’s Office using a web portal-based system which allowed them to detect issues and attempt to resolve them remotely. He apprised there was an annual cost of \$1,896 for this contract, funding for which was available within the Sheriff’s existing budget. Mr. Auffredou noted that the contract had commenced on May 30, 2014 and would terminate May 29, 2015, and authorized options to renew in subsequent years under the same terms and conditions, provided that funding was budgeted. He advised Bud York, Sheriff, had consulted with him upon expiration of the prior contract and, due to timing issues, he had recommended that the contract be renewed and a resolution sought to ratify the actions taken.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

- 10B) Request for a new contract with Mailings Made Easy (MME) to authorize payment in the amount of \$1,010 for mailing services rendered on June 25th in connection with the tax foreclosure proceedings.

Mr. Auffredou apprised that because the current contract with MME excluded the mailing of tax foreclosure documents, his staff had attempted to use other mailing services, such as those through the United States Postal Service, but they had encountered problems relating to the time frame of the mailings. He continued that his staff had encountered similar timing-related issues when preparing the second round of tax foreclosure document mailings, which included mailing 250 documents, which had led him to the decision to seek the services of MME, which had incurred a cost of \$1,010. Mr.

Auffredou stated that he would like to amend the aforementioned request and seek a new contract with MME for an amount not to exceed \$1,500, as he had been advised there would likely be another mailing of tax foreclosure documents later in the summer. He concluded that the funding for this contract was available within his existing budget.

Mr. Conover requested clarification as to the amount of the contract and Mr. Auffredou responded that the "up to \$1,500" amount would cover the \$1,010 expense incurred for the June mailing, as well as the cost of the additional mailing anticipated to occur later in the summer.

Motion was made by Mr. Dickinson, seconded by Mr. Taylor and carried unanimously to approve a new contract with Mailings Made Easy in an amount not to exceed \$1,500 for the mailing of documents for the 2014 tax foreclosure proceedings and the necessary resolution was authorized for the July 18th Board Meeting.

Mr. Auffredou advised he had one more issue to address which was not included on the Agenda. He reminded the Committee that during their June 11th Committee meeting when discussion was held regarding the retention of J. Lawrence Paltrowitz Esq. to serve as Warren County's representative on an arbitration panel, he had noted his prior affiliation with the law firm of Bartlett, Pontiff, Stewart & Rhodes, P.C. and the fact that he was a joint owner of real estate from which he received certain payments. Mr. Auffredou apprised that subsequent to this meeting, Chairman Geraghty had received an inquiry from Warren County resident Travis Whitehead, via email dated June 26, 2014, raising questions concerning his prior employment with Bartlett, Pontiff, Stewart & Rhodes, P.C. and his ownership of real estate with certain members of that law firm. In response to Mr. Whitehead's inquiries, Mr. Auffredou made the following statement:

"Until September 2011, when I became County Attorney, I was an employee and member of Bartlett, Pontiff, Stewart & Rhodes, P.C., and One Washington Street, LLC, a corporation which owns certain real estate holdings in the City of Glens Falls. Upon my departure from Bartlett, Pontiff, Stewart & Rhodes, P.C. and the LLC and pursuant to the controlling legal documents for each entity, I have received and continue to receive fixed payments from each entity for my former membership interest in each. The fixed payments are determined by formula in the controlling legal documents for each entity. Every year in my financial disclosure for the County I publicly disclose these interests and the fact that they are sources of income for me. I have previously discussed these interests with the Board of Supervisors. As I have no vote on the Board of Supervisors, these interests do not present a conflict for me; however, I have advised the Board of Supervisors so that they are aware of this financial relationship when they vote on resolutions to retain Attorney Paltrowitz and Bartlett, Pontiff, Stewart & Rhodes, P.C. Thank you."

Moving on to Agenda Item 11, Mr. Conover advised Finance Committee action was required on the following items as approved by the Personnel Committee: Item No. 2B.

Motion was made by Mr. Taylor, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the July 18th Board Meeting.

Concluding the Agenda review, Mr. Conover noted that there was one Pending Item to discuss, relating to an update from the County Treasurer regarding accepting credit payments County-wide pending review of State contract and other vendors. Mr. Swan advised the RFP (*request for proposals*) for credit card payment services was almost ready to be reviewed by Mr. Dusek and the Purchasing Department. He apprised that Glens Falls National Bank would be providing a demonstration about the systems they offered for municipal users and he said that when the date of the presentation was established, he would invite anyone wishing to attend. Mr. Swan noted that the presentation would provide a general

understanding about the system the Treasurer's Office was seeking to implement.

With regards to the "piggybacking" options available to municipalities for sharing of bids, Mr. Conover noted that this ability allowed the County to take advantage of other public bids, provided they met certain legal requirements, which was advantageous in both monetary and expediting purposes, and he commended Ms. Pacyna for using this option.

Sheriff York advised that representatives of Televate, LLC were on site performing a review of the radio system currently in place. He stated that as part of their contractual obligations, Televate was required to provide their findings and suggested solutions; he added that while Chairman Geraghty would be sitting in on the meeting where these results were revealed, he thought it would be beneficial for these results to be presented to the entire Board of Supervisors due to the considerable costs he anticipated would be required to address deficiencies in the radio system. Mr. Conover commented that it might be possible to hold this meeting following an upcoming Board Meeting and he asked Sheriff York to coordinate the scheduling with Mr. Dusek.

Mr. Monroe advised he had received a letter from Robert Blais, Mayor of the Village of Lake George, noting the expected completion of the Wood Park Festival Space in the fall of 2014, and noting that he was aware of six events that may use the facility in 2015. He said Mayor Blais' letter went on to suggest that a budget be developed for the property, possibly to be supported by occupancy tax funding, to promote and maintain the Festival Space. Mr. Conover commented that this topic might relate to other discussions regarding future use of occupancy tax funding and he asked that Mrs. Sady forward copies of Mayor Blais' letter to all members of the Board of Supervisors and Mrs. Sady said she would.

There being no further business to come before the Finance Committee, on motion made by Mr. Sokol and seconded by Mr. Dickinson, Mr. Conover adjourned the meeting at 10:09 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board